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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

THEODORE VARELA,

Defendant and Appellant.

H027804

(Monterey County

Super. Ct. No. SS033613)

Defendant appeals from a judgment entered after defendant admitted a probation violation. This appeal is authorized by the issuance of a certificate of probable cause by the trial court.

In January 2004, defendant entered a plea of guilty to felony vehicle theft (Veh. Code § 10851(a)) in exchange for a grant of felony probation. The People agreed to dismiss other pending charges and to strike a prior conviction qualifying as a strike, but that imposition of sentence on the prior prison term enhancement would be left to the discretion of the court. The matter was referred to the probation department. Eventually, after several delays based on defendant's purported failures to appear at the probation department, defendant was sentenced on March 10, 2004. The court imposed the aggravated prison term of three years, but suspended execution of sentence and placed defendant on felony probation for three years with various terms and conditions,

including 210 days in county jail. Defendant, who had been released on his own recognizance since entry of plea, was ordered to surrender to the jail on April 10, 2004. In May 2004, the probation department filed a petition under Penal Code section 1203.3 to revoke or modify probation based on defendant's failure to surrender to the jail. Eventually a bench warrant issued and defendant was arrested. At the time of his arraignment on June 9, 2004, defendant admitted the violation of probation for failure to surrender. The court revoked probation and imposed the previously suspended three-year prison term.

We appointed counsel to represent defendant in this court. Appointed counsel has filed an opening brief which states the case and the facts but raises no specific issues. We have notified defendant of his right to submit written argument in his own behalf within 30 days. The period has elapsed and we have received no written argument from defendant.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there is no arguable issue on appeal.

The judgment is affirmed.

McAdams, J.

WE CONCUR:

Bamattre-Manoukian, Acting P.J.

Mihara, J.